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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

MARIA CONTRERAS,
PLAINTIFFS,
vs.

ANN SIMUN, RONALD VERNON
PARK, II, and DOES 1 through 25,
Inclusive.
DEFENDANTS.

Case No.:

COMPLAINT FOR DAMAGES
(NEGLIGENCE; PERSONAL INJURY;
PREMISES LIABILITY; STRICT
LIABILITY. (Civil Code Section 3342)

Plaintiff, MARIA CONTRERAS, alleges three causes of action against Defendants
ANN SIMUN, RONALD VERNON PARK, II and DOES 1 through 25, as follows:

FIRST CAUSE OF ACTION
(Negligence)

1. Defendant ANN SIMUN herein mentioned is a resident of the State of California.
2. Plaintiff is ignorant of the true names of defendants sued herein as DOES 1 through 100, inclusive, and therefore sues these Defendants by such fictitious names. Plaintiff will amend this complaint to allege defendants' true names and capacity when ascertained. Plaintiff is informed, believes, and thereon alleges that the fictitiously named Defendants are negligently responsible in some manner for the occurrences

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1 herein alleged, and Plaintiff's damages as herein alleged were proximately caused by
2 Defendants' negligence.

3 3. At all times mentioned in this complaint, including the times of the vicious
4 canine attack hereinafter mentioned, Plaintiff MARIA CONTRERAS was situated in a
5 private place located at 1350 Calle Pimiento, Thousand Oaks, CA 91362 with the lawful
6 consent of the Defendant ANN SIMUN, who was authorized to give such consent.

7 4. The causes of action stated herein were incurred in the County of Ventura, State
8 of California and is within the jurisdiction of the Superior Court of California.

9 5. At all times herein mentioned, Defendant ANN SIMUN and RONALD
10 VERNON PARK, II owned and controlled a home which is located at 1350 Calle
11 Pimiento, Thousand Oaks, CA 91362.

12 6. Prior to August 14, 2020, ANN SIMUN owned what appeared to be a Boxer-Lab
13 mix breed dog whose name is believed to be "Odie" which, by its temper, breeding, and
14 habit, was known by Defendants to be vicious and dangerous.

15 7. On or about August 14, 2020, the Plaintiff, MARIA CONTRERAS entered the
16 Defendants, ANN SIMUN and RONALD VERNON PARK, II's home to notarize
17 paperwork on behalf of the defendants. The Plaintiff entered the home and then was led
18 by the Defendants' son, pursuant to the directions of the Defendant ANN SIMUN to a
19 den with a closed door. When the Defendant's son opened the door to the den, out of
20 nowhere, the Defendants' canine ran out of the den and jumped at the Plaintiff in a
21 furious manner and started savagely attacking and biting the Plaintiff and attempted to
22 kill Plaintiff. This was a result of Defendants' failure and refusal to control the animal in
23 order to protect persons lawfully on or about the premises described above. Plaintiff,
24 was attacked and bitten in the right shoulder and right elbow, which resulted in severe
25 wounds that needed 4 stitches, as well as the dislodgement of an artificial breast
26 augmentation, all of which will required plastic surgery to fix.

27 8. As a direct and proximate result of the attack referenced above, the Plaintiff
28 suffered damages, which included general, special, actual and compensatory damages,

1 including, but not limited to, necessary medical and related expenses, as well as for
2 mental, emotional and physical pain and suffering.

3 9. By reason of those facts hereinabove mentioned, at all times herein mentioned,
4 Defendants, and each of them, owed to Plaintiff, and to members of the public in
5 general, the duty to use due care in keeping and harboring of the aforementioned
6 dangerous and vicious canine, so as to avoid the occurrence of vicious attacks by the
7 animal. By reason of the facts hereinabove alleged, Defendants ANN SIMUN, RONALD
8 VERNON PARK, II and DOES 1 through 25, inclusively, breached the duty owed to
9 Plaintiff by negligently, and carelessly failing to exercise the degree of vigilance and
10 care that an ordinary prudent person would under similar circumstances. Defendants
11 failed to segregate or restrain the dog in the necessary and appropriate manner to
12 prevent it from attacking the humans in the area of the home including Plaintiff MARIA
13 CONTRERAS. Defendant ANN SIMUN and RONALD VERNON PARK, II's total
14 disregard for the safety and welfare of others constitutes a breach of duty of vigilance
15 and due care. Defendant ANN SIMUN and RONALD VERNON PARK, II breached
16 statutory and common law duties was both the actual and proximate cause of the brutal
17 canine assault, thereby making Defendants liable to the Plaintiff. Defendant ANN
18 SIMUN and RONALD VERNON PARK, II failed to take reasonable and appropriate
19 measures to avoid injury to the Plaintiff.

20 10. As a further direct and proximate result of the negligence of which Defendants
21 are liable for, the Plaintiff is entitled to recover her general, special, actual and
22 compensatory damages, including, but not limited to, necessary medical and related
23 expenses, as well as for mental, emotional and physical pain and suffering, in amounts
24 presently unknown but together exceeding the minimum jurisdictional limit of this
25 Court and as proven at time of trial.

26 11. As a further proximate result of the negligence of the Defendants, as herein
27 alleged, the Plaintiff is required to and did employ doctors, hospital and other
28 healthcare providers for medical examinations, treatment and care of her injuries, and

1 incur medical and incidental expenses, among others, damages in amounts far in excess
2 of the minimum jurisdiction of this court and to be determined at trial.

3 12. As a further proximate result of the negligence of Defendants, the Plaintiff has
4 and will incur further and future medical, psychological and incidental expenses, bills
5 and costs for the care and treatment for her injuries, the exact amount of which is
6 unknown at the present time and to be determined at trial.

7 13. By reason of the foregoing, Defendants ANN SIMUN, RONALD VERNON
8 PARK, II and DOES 1 through 25 are liable for Plaintiff's general, special, actual and
9 compensatory damages, including, but not limited to, necessary medical and related
10 expenses, as well as for mental, emotional and physical pain and suffering, in amounts
11 presently unknown but together exceeding the minimum jurisdictional limit of this
12 Court and as proven at time of trial.

13 14 SECOND CAUSE OF ACTION

15 (Premises Liability)

16 14. Plaintiff hereby incorporates by reference paragraphs 1 through 13 as though
17 fully set forth herein.

18 15. The premises involved in these proceedings are 1350 Calle Pimiento, Thousand Oaks,
19 CA 91362. The defendants who negligently owned, maintained, managed and operated the
20 described premises were ANN SIMUN, RONALD VERNON PARK, II and DOES 1 through
21 25.

22 16. DEFENDANTS ANN SIMUN, RONALD VERNON PARK, II and DOES 1 through 25
23 owned the mix Boxer-Lab dog and willfully or maliciously failed to guard or warn against their
24 vicious dog, who has a known propensity for violence.

25 17. By reason of those facts hereinabove alleged, the premises at 1350 Calle Pimiento,
26 Thousand Oaks, CA 91362, was dangerous and Defendants were aware of this fact. Defendants
27 failed to warn Plaintiff MARIA CONTRERAS of the impending danger, and Plaintiff MARIA
28 CONTRERAS was unaware of the risk of harm which existed when Plaintiff entered the

1 property located at 1350 Calle Pimiento, Thousand Oaks, CA 91362. If appropriate and adequate
2 warnings were provided to Plaintiff before she was attacked by this vicious dog, Plaintiff would
3 have been able to take the appropriate action to protect herself.

4 18. At all times herein mentioned in this complaint, Defendant ANN SIMUN, RONALD
5 VERNON PARK, II and DOES 1 through 25, owed the duty to use due care in keeping and
6 harboring the aforementioned vicious dog to Plaintiff, and to members of the public in general,
7 so as to avoid the occurrence of vicious attacks by the animal. Defendants ANN SIMUN,
8 RONALD VERNON PARK, II and DOES 1 through 25, breached the duty owed to Plaintiff
9 when they failed to warn against the dangerous nature of their vicious dog, which jumped on and
10 severely attacked and bit Plaintiff in the right shoulder and right elbow, breaking layers of skin
11 that required 4 stitches, and dislodging a breast implant. Defendant's breach was the direct and
12 proximate cause of Plaintiff's loss and damages alleged in this Complaint.

13 19. As a result of the dangerous condition of private property and Defendants' negligence,
14 Plaintiff's right shoulder, right elbow and chest was severely and brutally attacked by
15 Defendants' vicious dog, which resulted in laceration wounds required 4 stitches and will require
16 plastic surgery to fix her breast.

17 20. At all times mentioned in this complaint Defendants, and each of them, failed to maintain
18 the above described residence in a safe condition and as a direct and proximate result thereof,
19 said property became dangerous and defective in that it harbored a vicious animal which would
20 attack, bite and severely injure persons in the house. Defendants ANN SIMUN, RONALD
21 VERNON PARK, II and DOES 1 through 100's negligence was a substantial factor in causing
22 harm to Plaintiff MARIA CONTRERAS, which included injuries to her right shoulder, right
23 elbow, right breast, which resulted in her skin getting lacerated and four stitches, as well as
24 damage to her right breast, and will require plastic surgery to fix.

25 21. As a further direct and proximate result of the negligence of which Defendants ANN
26 SIMUN, RONALD VERNON PARK, II and DOES 1 through 100 are liable for, Plaintiff
27 MARIA CONTRERAS is entitled to recover her general, special, actual and compensatory
28 damages, including, but not limited to, necessary medical and related expenses, as well as for

1 mental, emotional and physical pain and suffering, in amounts presently unknown but together
2 exceeding the minimum jurisdictional limit of this Court and as proven at time of trial.

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4 **THIRD CAUSE OF ACTION BASED UPON DEFENDANTS'**
5 **STRICT LIABILITY FOR DOG BITE**

6 22. Plaintiff hereby incorporates by reference paragraphs 1 through 21 as though fully set
7 forth herein.

8 23. At all times mentioned in this complaint, including the times of the canine attack
9 hereinafter mentioned, Plaintiff was situated in a private place located at 1350 Calle Pimiento,
10 Thousand Oaks, CA 91362 with the lawful consent of Defendants ANN SIMUN and RONALD
11 VERNON PARK, II, who are lawfully entitled to give such consent.

12 24. At all times herein mentioned, Defendants ANN SIMUN, RONALD VERNON PARK, II
13 and DOES 1 through 25 owned a dog with vicious habits and had an unusual dangerous nature,
14 tendency, and propensity to attack people and commit violence.

15 25. Before Plaintiff MARIA CONTRERAS was injured, Defendants ANN SIMUN,
16 RONALD VERNON PARK, II and DOES 1 through 25 were fully aware of or should have had
17 reason to know of their vicious dog's unusual dangerous nature, tendency, and propensity to
18 attack people and commit violence, given the animal's historical general reputation, size and
19 breed.

20 26. On or about August 14, 2020 Plaintiff was invited over as a notary public to notarize
21 documents for DEFENDANTS ANN SIMUN and RONALD VERNON PARK, II. When
22 Plaintiff MARIA CONTRERAS arrived at Defendants' house, Defendants' dog chased down
23 and jumped on Plaintiff, and bit her savagely in the right shoulder and right elbow. Plaintiff
24 MARIA CONTRERAS suffered severe injuries to her right arm/shoulder and chest as result of
25 this attack. Plaintiff suffered injuries to her right shoulder/arm and chest, which resulted in
26 lacerations, four stitches, and the need for plastic surgery to fix.

27 27. Defendants ANN SIMUN, RONALD VERNON PARK, II and DOES 1 through 25's
28 vicious dog's unusual dangerous nature, tendency, and propensity to attack people and commit

1 violence was a substantial factor in causing harm to Plaintiff MARIA CONTRERAS, which
2 included injuries to her right shoulder/arm and chest, which resulted in lacerations, four stitches,
3 and the need for plastic surgery to fix. .

4 28. As a result of the actions of which Defendants ANN SIMUN, RONALD VERNON
5 PARK, II and DOES 1 through 25 are liable for, Plaintiff MARIA CONTRERAS is entitled to
6 recover her general, special, actual and compensatory damages, including, but not limited to,
7 necessary medical and related expenses, as well as for mental, emotional and physical pain and
8 suffering, in amounts presently unknown but together exceeding the minimum jurisdictional
9 limit of this Court and as proven at time of trial.

10 11 DEMAND FOR JURY TRIAL

12 Plaintiff hereby demands trial by jury. WHEREFORE, Plaintiff prays for judgment
13 against Defendants, as follows:

- 14 1. For an award of the Plaintiff's general, special, actual and compensatory damages as
15 proven at time of trial, with interest thereon according to law;
- 16 2. For an award of the costs incurred by the Plaintiff in bringing and maintaining this action
17 in a sum to be determined at trial;
- 18 3. For all medical, incidental and future medical expenses in a sum to be determined at trial;
- 19 4. Personal injury and severe emotional distress;
- 20 5. For such other and further relief that this Court deems just and proper.

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22 DATED: October 9, 2020

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24 TODD W. GOODMAN, ESQ.
25 Attorney for MARIA CONTRERAS
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